

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

Johanna Piñero Ocana, et al

v.

U.S.A.

**CASE NUMBER: 97-1332 (HL)**

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U.S. DISTRICT COURT  
SAN JUAN, P.R.

**MOTION**

**ORDER**

**Date Filed:** 7.24.00

**Docket #** 31

☒ **Pliffs** ☐ **Defts** ☐ **Other**

**Title:** Motion requesting order

Denied. Plaintiffs move for an order to compel certain witnesses to appear to be deposed. A motion for leave of court to take a deposition is generally not necessary. 8A Wright, Miller, & Marcus, *Federal Practice and Procedure* § 2104, at 44-45 (2d ed. 1994). If a party is to be deposed, the notice requirements of Rule 30 should be used; if the deponent is not a party, a subpoena is necessary. *Id.* § 2106, at 55. Plaintiffs seek to depose non-parties. Therefore, these individuals should be subpoenaed. Plaintiffs' motion is also faulty under Rule 30(b) as it does not specify a place for the depositions.

The Court reminds Plaintiffs that the deadline for concluding discovery is August 10, 2000, and the deadline for filing an opposition to the motion for summary judgment is August 18, 2000. No extensions will be granted.

It appears that Plaintiffs seek discovery on other occurrences in the U.S. Army which have taken place in the last five years. The Court will not permit such broad discovery. Plaintiffs should limit discovery to Defendant's knowledge or acquiescence in the conduct of Jesús Soto. Such information may be obtained by interrogatories. If Plaintiffs wish to depose the individuals named in their motion, they must subpoena or notify them pursuant to the Federal Rules. The motion for an order is denied.

**Date**

7/28/00

**HECTOR M. LAFFITTE**  
Chief U.S. District Judge

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